



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,293	10/02/2000	Paul A. Bolme	1441-6	3664
996	7590	04/28/2005	EXAMINER	
GRAYBEAL, JACKSON, HALEY LLP 155 - 108TH AVENUE NE SUITE 350 BELLEVUE, WA 98004-5901			MCFADDEN, SUSAN IRIS	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,293

Applicant(s)

BOLME ET AL.

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-35 and 71-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-35 and 71-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to claims 26-35 and 71-85 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 26-34, 71-72, and 74-84 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell et al. (5,905,248).

In regard to claims 26 and 74, Russell et al. show a system, method, and computer readable medium for presenting a natural language message to a user from a keystroke output wedge, the method comprising: a) querying a Windows-type operating system for information (col. 7, ln 40-50, "Go to"), b) transmitting to a Windows API a query for information from a keystroke output wedge (col. 7, ln 35-40, bar code reader, URL), c) receiving in the keystroke output wedge information from the Windows- type operating system in response to the query (col. 7-8) ; and d) providing to a user from the keystroke output wedge a natural language message, where the natural language message is a function of the information from the operating system (ASCII based symbol character data, Fig 1C, col. 16-18).

In regard to claim 27, Russell et al. show that the information relates to a Windows-type application program designed to receive keystroke input (col. 7-8, URL input, go to window).

In regard to claims 28 and 78, Russell et al. show that the natural language message is inherently a prompt soliciting the user to provide input data (col. 18, audio input, speech recognition).

In regard to claims 29,71,72, and 79, Russell et al. show that the natural language message is feedback provided in response to input data received from the user (audio (audibly) and video output (visually), col. 18).

In regard to claims 30 and 80, Russell et al. show that the natural language message is a status message provided to the user in response to a pre-programmed inquiry from the keystroke output wedge to the operating system (2 way communication, col. 17-18, Fig. 4).

In regard to claims 31,77, and 81, Russell et al. show receiving in a keystroke output wedge input data from a data input device and the information relates to a Windows-type application program designed to receive keystroke input (Fig. 4, col. 17-18, Fig. 1).

In regard to claims 32,76, and 82, Russell et al. show that the data input device is a bar code data input device and the medium is a data carrying an electro-magnetic signal (Fig. 1).

In regard to claims 33-34, and 83-84, Russell et al. show where the step of transmitting to a Windows API further includes transmitting a GetForegroundWindow

Art Unit: 2655

function and show where the step of transmitting to a Windows API further includes transmitting a GetWindowText function (Goto window functions, col. 7).

In regard to claim 75, Russell et al. show that the medium is a tangible memory (col. 15, ln 25-30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35, 73, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al. (cited above).

In regard to claims 35 and 85, Russell et al. show the system above. Russell et al. do not specifically show where the step of providing to a user from the keystroke output wedge a natural language message further includes transmitting to a Windows API a sndplaysound function. The Examiner takes Official Notice that one of ordinary skill in the art would know that any computer system can contain various sound functions and controls.


In regard to claim 73, Russell et al. show the system above. Russell et al. do not specifically show where the step of providing to a user a natural language message is at a predetermined time. The Examiner takes Official Notice that one of ordinary skill in the art would know that a computer system can be programmed to display various messages as often as desired.

Art Unit: 2655

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

April 26, 2005